

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
BMADDOX ENTERPRISES LLC,

Plaintiff,

-v-

MILAD OSKOUIE, OSKO M LTD, and PLATINUM
AVENUE HOLDINGS PTY, LTD,

Defendants.

CIVIL ACTION NO.: 17 Civ. 1889 (RA) (SLC)

SCHEDULING ORDER

SARAH L. CAVE, United States Magistrate Judge.

In an Opinion & Order dated August 18, 2021 (the “O&O”), the Honorable Ronnie Abrams granted in part Plaintiff’s motions for summary judgment and for default judgment as to Counts I and II for copyright infringement, and directed that default judgment be entered against Defendants Platinum Avenue Holdings Pty Ltd. and Osko M Ltd. (the “Entity Defendants”). (ECF No. 218). As to Count II against the Entity Defendants, Judge Abrams concluded that “Plaintiff has provided no evidence of the effect of Defendants’ infringement on the market value of its website[,]” and referred the matter to the undersigned for an inquest into damages. (ECF No. 218 at 31).

Accordingly, it is hereby **ORDERED** that:

1. Plaintiff shall submit proposed findings of fact and conclusions of law concerning damages no later than **Friday, November 19, 2021**. Plaintiff must support all factual assertions by affidavit and/or other evidentiary material. Plaintiff’s requested attorneys’ fees and costs must be recorded in the form below, adding fields as necessary, and supported

by evidentiary material.

2. Defendants shall submit their response to Plaintiff's submissions, if any, no later than **Monday, December 20, 2021**. IF DEFENDANTS (1) FAIL TO RESPOND TO PLAINTIFF'S SUBMISSIONS, OR (2) FAIL TO CONTACT MY CHAMBERS BY DECEMBER 22, 2021 AND REQUEST AN IN-COURT HEARING, I INTEND TO ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES BASED ON PLAINTIFF'S WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) (“[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment.” (quoting Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40 (2d Cir. 1989))).

Plaintiff is directed to serve this Order on Defendants and file proof of service by no later than **Monday, November 1, 2021**.

Dated: New York, New York
October 21, 2021

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge

| <u>Requested Attorneys' Fees</u> | | | |
|---|-----------------------|------------------------|------------------------|
| Timekeeper | Requested Rate | Requested Hours | Requested Total |
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